



Response Under 37 C.F.R. § 1.116  
Expedited Procedure  
Examining Group 2655

PATENT  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Shinichiro ABE, et al.

Application No.: 09/815,338

Filed: March 23, 2001

For: APPARATUS FOR REPRODUCING  
INFORMATION BASED ON THE  
TYPE OF COMPRESSION  
METHOD USED IN COMPRESSING  
THE INFORMATION (As Amended)

Confirmation No.: 4416

Group Art Unit: 2655

Examiner: G. Patel

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Sir:

**RESPONSE AND REQUEST FOR RECONSIDERATION**

In response to the Final Office Action dated December 15, 2003 (Paper No. 7), the period of response to which extends through April 15, 2004, by the concurrently filed petition for a one month extension of time and corresponding fee payment, reconsideration and withdrawal of the rejections set forth in the outstanding Final Office Action are respectfully requested.

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**Summary of the Office Action**

In the Final Office Action, claims 1-5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,963,521 to Nagashima et al. (hereinafter "Nagashima").

Applicants note that page 2, section 4 of the Office Action does not refer to dependent claim 6 as being rejected. However, claim 6 is indicated as rejected at page 1 of the Office Action (e.g., at item 6 of the PTOL-326 form). Also, claim 6 is discussed at page 4, section 9 of the Office Action. Accordingly, Applicants note that while it appears that dependent claim 6 has also been rejected under 35 U.S.C. § 102(b), the Office Action is not precise in this regard.

**Rejection under 35 U.S.C. § 102(b)**

In the Final Office Action, claims 1-5 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Nagashima. This rejection is respectfully traversed for at least the following reasons.

In the previous response, Applicants explained that Nagashima discloses a recording/reproducing apparatus having a unit devoted to playback and a unit devoted to recording/reproducing. In the playback unit, compressed data (ADPCM audio data) recorded on a first optical disc 32 is read by an optical head 33, and processed by a decoder 41 with 8-14 demodulation, deinterleaving and error correction. The output data of the decoder 41 is transmitted via a switch 37 to the recording system of the recording/reproducing unit in a compressed state without expansion.

Applicants went on to explain that, in the recording system of Nagashima, the transmitted data is supplied via a memory 14 to an encoder 15 in which the transmitted data is processed with error correction coding, interleaving and 8-14 modulation before being transmitted to a

magnetic head driving circuit 16 for magnetic field modulation type photomagnetic recording for recording on another optical disc 2. Applicants respectfully submit, however, that, in Nagashima, the output data of the memory 14, which is data to be recorded to the optical disc 2, is not supplied to an expander. The Final Office Action does not respond to these previously-filed arguments regarding Nagashima's failure to teach or suggestion data expansion as recited in the claims.

It is respectfully submitted that MPEP § 706.07 provides directives as to the form of the statement of grounds of a final rejection to be applied by a Patent Examiner. It states that "...the final rejection ... should include a rebuttal of any arguments raised in the applicant's reply (emphasis added)." Applicants respectfully request that in the event a further Office Communication might maintain the final rejection, that a detailed, substantive rebuttal of these technical distinctions be presented by the Examiner in the next Office Communication.

Nagashima discloses a high speed dubbing arrangement that utilizes two recording and/or reproducing units for compressed data. As described in the Abstract of Nagashima, a disc 32 is read by an optical head 41 and compressed data produced via a decoder 41 are delivered to memory 14 via a switch 37. The data is then delivered to a magnetic head driving circuit 16 via an encoder 15 for direct writing on a disc 2. Applicants note in particular that the last sentence of the Abstract states that "[i]n this manner, compressed data are directly dubbed without expansion to realize high speed dubbing (emphasis added)." In other words, the Nagashima arrangement does not require, and thus does not perform, expansion and subsequent outputting of expanded information because it involves a high speed dubbing environment.

Each of independent claims 1 and 4 recite an "information reproducing apparatus including an expander for expanding compressed information recorded on a recording medium

... and outputs reproduced information based on the expanded information.” Similarly, each of independent claims 1 and 4 go on to recite a memory controller that supplies the read or compressed information “to said expander.” Nagashima does not involve such expansion, as indicated by the last sentence of the Abstract, for example, as recited above. Moreover, Nagashima does not involve outputting reproduced information “based on the expanded information.”

Moreover, in the previous response, Applicants explained that Nagashima does not teach at least that "said memory controller controls the timing of starting to read the compressed information from said memory in accordance with a result of the determination by the judging device" as recited in claim 1 of the present application.

The Examiner refers to col. 5, lines 3-23 and col. 8, lines 39-57 of Nagashima for a teaching that the “system controller 7 also operates, on the basis of the sector-by-sector address information reproduced from the recording tracks of the magneto-optical disc 2 by subcode Q data or header time [header time another name for start time], for controlling the recording position or playback position” [col. 5, lines 7-13].”

Applicants respectfully submit in this regard that the Final Office Action does not refer to any teaching in Nagashima of timing control for reading reproduced data from memory 22 or 42 for playback. Moreover, Applicants respectfully submit that the portion of Nagashima at col. 5, lines 3-23 and col. 8, lines 39-57, which was cited by the Final Office Action, does not teach or suggest a control method for writing or reading data into or from the memory 22 or 42. Instead, Nagashima discloses that the reproduced data read from the disk 2 (32) is written into the memory 22(42) and then is read from the memory 22(42) to be supplied to the ADPCM decoder 23(43) as an expander by the system controller 7.

Nagashima states, at col. 7, lines 40-44 that "the reproduced data written in the burst fashion in the memory 22 at the transmission rate of 75 sectors/second are read out continuously at the regular transmission rate of 18.75 sectors/second for the level B stereo mode." Applicants respectfully submit that Nagashima does not teach or suggest controlling the timing of starting to read the reproduced data from the memory in accordance with a compression method.

Accordingly, Applicants respectfully submit that Nagashima does not teach at least that "said memory controller controls the timing of starting to read the compressed information from said memory in accordance with a result of the determination by the judging device" as recited in claim 1 of the present application.

Applicants respectfully request that in the event a further Office Communication might maintain the final rejection, that a detailed, substantive rebuttal of these technical distinctions also be presented by the Examiner in the next Office Communication.

As discussed above, Applicants respectfully assert that the rejection under 35 U.S.C. § 102(b) should be withdrawn because Nagashima does not teach or suggest each feature of independent claims 1 and 4. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Furthermore, Applicants respectfully assert that dependent claims 2-3 and 5-6 are allowable at least because of the dependence from independent claim 1 or 4, and the reasons set forth above.